

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**IN RE: CAPITAL ONE CONSUMER  
DATA SECURITY BREACH LITIGATION**

Montgomery v. Capital One Bank (USA), N.A., )  
M.D. Louisiana, C.A. No. 3:22-00347 )

MDL No. 2915

**CONDITIONAL TRANSFER ORDER (CTO-5)  
WITH SIMULTANEOUS SEPARATION AND REMAND**

On October 2, 2019, the Panel transferred 17 civil action(s) to the United States District Court for the Eastern District of Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 396 F.Supp.3d 1364 (J.P.M.L. 2019). Since that time, 29 additional actions have been transferred to the Eastern District of Virginia. With the consent of that court, all such actions have been assigned to the Honorable Anthony J. Trenga.

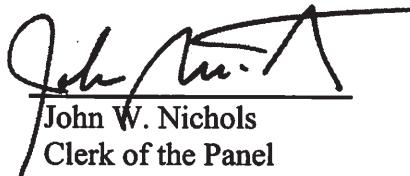
It appears that the action on this conditional transfer order comprises a claim relating to: (1) allegations concerning a Capital One data breach disclosed in July 2019 involving over 100 million customers and credit card applicants, which involves questions of fact that are common to the previously transferred MDL No. 2915 actions; and (2) claims regarding defendant's conduct with regard to allegedly fraudulent accounts that were opened in plaintiff's name, which do not involve such common questions of fact common to the actions in MDL 2915.

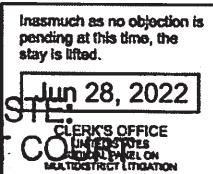
Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action listed above is transferred under 28 U.S.C. § 1407 to the Eastern District of Virginia for the reasons stated in the order of October 2, 2019, and, with the consent of that court, assigned to the Honorable Anthony J. Trenga.

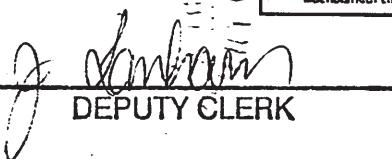
Plaintiffs' causes of action One through Six and Eight through Fifteen, which do not relate to the recent Capital One data breach, are separated and simultaneously remanded to the Middle District of Louisiana.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Virginia. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
John W. Nichols  
Clerk of the Panel



A TRUE COPY, TESTED  
CLERK, U.S. DISTRICT COURT  
BY   
DEPUTY CLERK